

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

CAROL L. FULLER

PLAINTIFF

v.

4:07-CV-01120-WRW

FIBER GLASS SYSTEMS, LP

DEFENDANT

ORDER

Pending are Defendant's Motion for Reconsideration (Doc. No. 38) and Motion in Limine (Doc. No. 39).

In a March 20, 2009, Order,¹ Defendant's Motion for Summary Judgment was denied in part and granted in part. In the motion for reconsideration of Plaintiff's hostile work environment and race discrimination claims, Defendant offers no grounds, legal or otherwise, to warrant modification of the Order. Genuine issues of material fact remain in dispute and need to be tried to a jury. Plaintiff may continue with her hostile work environment and race discrimination claims, and a response by Plaintiff on these issues is not required. Accordingly, Defendant's Motion for Reconsideration (Doc. No. 39), as to Plaintiff's hostile work environment and race discrimination claims, is DENIED.

The March 20, 2009, Order did not specifically address Plaintiff's request for backpay. Since I ruled Plaintiff was not constructively discharged from employment by Defendant,² it appears that "the only damages available would be non-pecuniary damages for the two-month

¹Doc. No. 37.

²*Id.*

period she alleges to have been the victim of harassment.”³ However, I reserve my ruling on the backpay issue.

Because trial date draws nigh, Plaintiff must respond (if she chooses) to Defendant’s backpay argument, as well as Defendant’s Motion in Limine (Doc. No. 39), by 5:00 p.m. on Friday April 3, 2009.

IT IS SO ORDERED this 25th day of March, 2009.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

³Doc. No. 38.